

Rules Committee Commentary to Mr. Moellman's Second Proposal:

The Rules Committee likewise met and considered Mr. Moellman's second proposal. We were not sure whether Mr. Moellman's proposal was a serious one, given that it involved a revision to 2008 bylaws, which occurred prior to the party's achievement of ballot access, and did not have any of the framework that would be appropriate to run a primary election that would comport with requirements of federal and state law.

What made the committee even more unsure about the seriousness of the proposal, was Mr. Moellman's own commentary to it, where he noted that the proposal was "primarily provided as a means of comparing where we came from, and where we are now" and that the proposal involves the party having "no organization" and the document and organization being "ineffective."

So that there is no (credible) allegation that we have somehow misquoted Mr. Moellman, his entire e-mail to the committee is attached.

The Committee has taken its roles and responsibilities seriously, and has devoted over 40 hours of its time to the consideration of the revision of our governing documents over the past several months, with an eye towards ensuring (1) primarily, that we are able to place our candidates on the ballot and keep them there, removing as many impediments or mechanism by which our political opponents can challenge them from the ballot; and (2) secondarily, towards making sure that the party has a basic framework for governance, with workable, common sense guideposts.

We leave to the Voting Membership to make the end decision about whether it is appropriate for a member to take up the committee's time with a proposal that the submitter knows should not really be considered but is "primarily provided as a means of comparing where we came from, and where we are now" and that the proposal involves the party having "no organization" and the document and organization being "ineffective."

From: Ken Moellman <ken@moellman.com>
Sent: Thursday, February 08, 2018 7:42 PM
To: Chris Wiest; Harlen Compton; Bryan Short; Cyrus Eckenberg
Subject: Final revision of General Revision
Attachments: GR_1_Constitution-clean.doc; GR_1_Constitution-clean.pdf; GR_1_Constitution-compare.doc; GR_1_Constitution-compare.odt; GR_1_Constitution-compare.pdf; GR_2_Bylaws_SSR_SR_proposal.doc; GR_2_Bylaws_SSR_SR_proposal.odt; GR_2_Bylaws_SSR_SR_proposal.pdf; bylaws2008.doc

Based off of feedback from the Rules Committee, several changes have been made. Also, since editorializing seems to be in order, I've included my editorial as well (though not in a 40 point font).

Explaining the documents:

Constitution-clean is the no-markup version

Constitution-compare is the side-by-side comparison of today versus the proposal

Bylaws_SSR_SR_proposal is the rest - no comparisons made as membership did not create these to begin with.

Further, Bylaws2008 is the Constitution and Bylaws alternative I had submitted at 120 days prior to convention, and should also be considered. It is primarily provided as a means of comparing where we came from, and where we are now. But maybe the party will want to rewind back to an era where we had no organization and were ineffective. It seems that some want that model again.

Constitution of the Libertarian Party of Kentucky

WE, the Libertarians of Kentucky, in convention, in order to affiliate ourselves with the National Libertarian Party, associate together to form a political party and for that purpose adopt the following Constitution:

- **ARTICLE I: NAME**
 - The name of the party shall be the LIBERTARIAN PARTY OF KENTUCKY, hereinafter referred to as the "Party".
- **ARTICLE II: PERIOD OF DURATION**
 - The duration of the Party shall be Perpetual.
- **ARTICLE III: PURPOSES**
 - Section 1. The Party shall exist to serve as the officially affiliated state party of the United States Libertarian Party, hereinafter referred to as the "National Party", in the state of Kentucky.
 - Section 2. The purpose for which the Party is organized is to implement and give voice to the principles embodied in the platform of the Party by:
 1. Nominating candidates for federal, statewide and local elections in Kentucky and supporting candidates for political office;
 2. Promoting membership in the Party;
 3. Promoting and coordinating affiliate organizations through the Commonwealth; and
 4. Entering into political information activities.
- **ARTICLE IV: POWERS**
 - The Party shall carry out its purposes by way of any and all powers permitted it by law, subject to the written limitations contained in Libertarian principles, Kentucky statutes, this Constitution, and the By-laws of the Party.
- **ARTICLE V: MEMBERSHIP**
 - Section 1. Voting members of the Party shall be those persons whose Party dues are current or whose service exemption has been achieved, and who have signed the Statement of Principles, which reads:

"I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving social, economic or political goals."
 - Section 2. Non-voting members shall be those persons who fulfill the annual monetary or service requirements to the Party or sign the Statement of Principles, but not both.
 - Section 3. The amount of financial and service-based support required for Party membership may be modified by a majority vote of the Executive Committee of the party. A change in requirements does not change the current status of existing members for the duration of their current membership.
- **ARTICLE VI: EXECUTIVE COMMITTEE**
 - Section 1. Except as otherwise provided herein or in the By-laws of the Party, the affairs of the Party shall be conducted by its Executive Committee.
 - Section 2. The Executive Committee shall consist of the following persons:
 1. The four officers of the Party;
 2. Two members of the Party elected at large by the members of the Party;
 3. One member elected from each of Kentucky's United States Congressional Districts.
 - Section 3. Members of the Executive Committee shall take office immediately upon the close of the annual convention at which they were elected and shall serve two year terms and until their successors are elected and qualify for office.
 - Section 4. Members of the Executive Committee shall be elected at an annual Party Convention in a manner provided in the By-laws, with the Party officers elected at

Conventions held in odd-numbered years and other Committee members elected at Conventions held in even-numbered years.

- Section 5. If for any reason, any seat on the Executive Committee shall become vacant during a term, the remaining Committee shall elect a Party member to complete the term of office vacated. If the vacancy occurs in a District Representative's seat, that vacancy shall be filled with a Party member from the same Congressional District whenever possible.
- Section 6. The Executive Committee shall meet in a manner, time, and place as prescribed in the By-laws. Fifty-one percent (51%) of the non-vacant membership of the Executive Committee shall constitute a quorum at all its meetings except where a larger quorum may be required by this Constitution or by the By-laws of the Party. Executive Committee members may vote by proxy.
- **ARTICLE VII: OFFICERS**
 - Section 1. The officers of the Party shall be a Chair, a Vice-chair, a Secretary and a Treasurer.
 - Section 2. No person shall be an officer who is not a member of the Party and National Party.
 - Section 3. No offices shall be combined.
 - Section 4. The Chair shall preside at all Party Conventions and all meetings of the Executive Committee. He or she shall be the chief executive officer of the Party.
 - Section 5. The Vice-chair shall assist the Chair and shall perform the duties of the Chair in the event the Chair is unable to perform the duties of that office. If a vacancy occurs in the office of the Chair, the Vice-chair shall succeed to that post and serve the remainder of that term.
 - Section 6. The Secretary shall be responsible for maintaining in proper order all records of the Party. The Secretary shall also provide or make provision for legal services to the Party.
 - Section 7. The Treasurer shall receive, expend and account for all funds or other property of the Party under the supervision and direction of the Chair and the Executive Committee.
 - Section 8. Except as provided herein, the officers shall have such powers and perform such duties as may be prescribed in the By-laws. The Executive Committee may establish such ad hoc committees which it may deem necessary to assist it in carrying out the affairs of the Party.
 - Section 9. An officer may be recalled from office or his seat declared vacant by a vote of three-fourths (3/4) of the entire membership of the Executive Committee or by written petition of two-thirds (2/3) of the membership of the Party. Vacancies may also result from written resignation submitted to the highest remaining officer of the Party. Vacancies in the offices of Vice-chair, Secretary or Treasurer shall be filled by the Executive Committee.
 - Section 10. Upon leaving an office for any reason, an officer shall tender to the Executive Committee or to his or her successor all materials concerning that office within one week.
- **ARTICLE VIII: CONVENTIONS**
 - Section 1. The Party shall hold a convention every year at a time and place selected by the Executive Committee. A special convention may be called by a majority vote of the Executive Committee. Forty five (45) days written notice to Party members shall be required for the calling of such a convention. The notice shall contain the items to be discussed at the special convention and the convention shall be limited to consideration of those items only.
 - Section 2. Conventions may be attended by any Party member wishing to attend. Those voting members registering become delegates for the conduct of business at the Convention.
 - Section 3. Party conventions shall be governed by Standing Convention Rules, as amended at each Convention, as well as by provisions of this Constitution and the By-laws of the Party. If not Standing Convention Rules exist, the Executive Committee of the Party may draft a new set of Standing Convention Rules by a simple majority vote. The Executive Committee of the Party may change existing Standing Convention Rules between conventions by a three-fourths (3/4) vote of the Executive Committee of the Party.
- **ARTICLE IX: NOMINATION AND ENDORSEMENT OF POLITICAL CANDIDATES**
 - Section 1. All nominees shall be both a voting member of the Libertarian Party of Kentucky and a member of the National Party.

- Section 2. Nominations shall be made from the convention floor by the delegates. All balloting shall be done by written vote of the delegates present and voting. After the convention, the Executive Committee shall be empowered to nominate candidates for offices for which the convention did not choose a nominee.
- Section 3. The Libertarian Party of Kentucky shall not endorse the candidacy of any candidate for office running against a Libertarian candidate. Nor shall it endorse any candidate for President or Vice-President other than the candidate selected at National Party convention. The Executive Committee shall not endorse non-Libertarian Party candidates for office except by unanimous vote.
- **ARTICLE X: PLATFORM**
 - Section 1. The Party may adopt a platform at any convention. Said platform may not be inconsistent with the Statement of Principles adopted by the National Party. Said platform shall include, but not be limited to, a Statement of Principles and the implementation of the principles contained therein in the form of planks.
 - Section 2. The Statement of Principles of the Platform affirms that philosophy upon which the Libertarian Party of Kentucky is founded, by which it shall be sustained, and through which Liberty shall prevail.
 - Section 3. The Platform may be amended at any Convention by deletion, substitution, or addition of any plank. A plank may be deleted by a simple majority vote of the Convention delegates. The substitution of a new plank for an old plank, or the addition of a new plank, shall require approval by a vote of two-thirds (2/3) of the delegates present and voting.
- **ARTICLE XI: BY-LAWS**
 - Section 1. The Executive Committee shall promulgate By-laws for the Party.
 - Section 2. The By-laws of the Party may be altered, amended or repealed by a majority vote of the delegates of any Party Convention, or by a three-fourths (3/4) vote of the Executive Committee.
- **ARTICLE XII: AMENDMENTS TO THIS CONSTITUTION**
 - This Constitution may be amended by Resolution of two-thirds (2/3) of the delegates of any Party Convention adopting such Amendment.
- **ARTICLE XIII: PREVIOUS DOCUMENTS**
 - This Constitution shall supersede all previous Constitutions, By-laws or other governing documents of the Party.

Adopted: January 31, 1981

Amended: March 1st, 2008

By-Laws of the Libertarian Party of Kentucky

as of March 1st, 2008

- **Section I: Purpose of the By-laws**
 1. The By-laws of the Party are to specify the detailed duties and responsibilities of the Party officials and standing committees. They provide a detailed description of the working relationships within the permanent Party organization.
- **Section II: Duties of Officers, Representatives and Delegates**
 1. The duties described herein are in addition to those specified in the Constitution.
 2. Officers
 1. The Chair shall:
 1. Preside at all Party conventions and all meetings of the Executive Committee.

2. Be an ex-officio member of all standing and ad-hoc committees.
 3. Be the primary contact with the National Party headquarters, Regional Coordinator designated by the National Party, and other State Party Chairs.
 4. Coordinate with Media Director to be the primary public spokesman for the Party.
 5. Prepare an agenda for all Executive Committee meetings.
2. The Vice-Chair shall:
 1. Assist the Chair and perform the duties of the Chair in the event the Chair is unable to perform the duties of that office.
 2. Maintain the Party membership rolls and address rolls. The Vice Chair will preside over the Membership Committee.
 3. The Secretary shall:
 1. Maintain all records of the Party other than membership rolls and financial records.
 2. Record the minutes of all Executive Committee meetings.
 3. Record the minutes of Party conventions.
 4. Provide or make provision for, legal services to the Party.
 4. The Treasurer shall:
 1. Receive, expend and account for all funds or other property of the Party under the supervision and direction of the Chair and Executive Committee.
 2. Make commitments and disbursement of Party funds for expenses within the budget established by the Executive Committee and for out-of-budget expenses specifically approved by the Executive Committee.
 3. Chair the Finance Committee.
 4. Supervise and coordinate fundraising efforts of the State Party and act as coordinator for all National Party fundraising efforts within the State.
 5. Prepare a quarterly financial report for the Executive Committee.
3. State Representatives
 1. The District Representatives shall:
 1. Coordinate Party activities within each Congressional District
 2. Organize local Party organizations within each Congressional District.
 3. Serve as the communication link between local membership and the Executive Committee.
 4. Introduce local businesses and organizations to the Libertarian Party and provide Party support to activities of these organizations when such activities are consistent with Party principles and Platform.
 2. The At-Large Representatives shall:
 1. Act as District Representatives pro-tem in districts without a current representative.
 2. Coordinate the establishment and activities of Student organizations within the State.
 3. Take the lead in reaching out to other organizations whose aims are consistent with the Party principles and goals.
 4. Develop and support internal and external educational programs.
 4. National Delegates and Alternates
 1. The delegates to the National Party convention shall:
 1. Attend the National Party convention and vote on questions and elections presented there.
 2. Exercise their vote at the National Party convention on the basis of individual conscience, i.e., they shall not be bound to vote for any particular issues or candidates by the State Convention, Executive Committee or Party officers.
 2. The Alternate Delegates to the National Party convention shall:
 1. Attend the National Party convention.

2. Replace according to order of election any Delegate who is not able to attend the National Party convention.
5. Media Director
1. The Media Director shall:
 1. Be appointed by a majority vote of the Executive Committee, and serves at their discretion.
 2. Be responsible for the following duties:
 1. Maintaining list of contacts within media outlets throughout Kentucky.
 2. Being the direct point of contact for the media.
 3. Distribution of Party achievements and upcoming events to the media through press releases, with prior approval from the Party chair.
 4. Maintenance of the Party website.
 5. The regular publication of a newsletter to Party members, in accordance with the Party Bylaws.
 2. The Media Director may delegate tasks to other individuals.
 1. The Media Director may create unpaid subordinate positions without prior Executive Committee approval.
 2. The Media Director may employ outside assistance with any function, with the full disclosure of cost to the Executive Committee, and with prior approval of the majority of the Executive Committee.
- Section III: Standing Committees
 1. It is the Party's goal that its administration be broadly based with wide membership involvement. Actions taken by the Party should represent a consensus of the members, not the opinions or preferences of a few individuals. To this end a number of standing committees are established to guide the regular and routine administration of the Party.
 2. The Executive Committee is established by the Constitution for the governance of the Party between conventions.
 1. Its membership consists of the Chair, Vice-Chair, Secretary, Treasurer, District Representatives and At-Large Representatives. It is chaired by the State Chair.
 2. The Executive Committee is responsible for the Party affairs as specified in the Constitution.
 3. It shall meet not less than annually at the State Convention to review Party matters. The time and place of meetings shall be established by the Committee.
 4. It shall adopt an operating budget, approve expenditures not previously budgeted and review the Party's financial status quarterly.
 5. It is responsible for issuing policy statements on behalf of the Party.
 6. It shall review the campaign strategy of Party-endorsed or nominated candidates and review the campaign literature of State candidates. The Executive Committee may suggest changes to these items but shall not exercise a veto over the adoption of a particular strategy or particular literature.
 7. It shall appoint the Media Director who shall serve at the pleasure of the Executive Committee.
 8. All decisions of the Executive Committee shall be made by a majority vote of those present unless otherwise specified by the Constitution.
 9. Executive Committee members may vote by proxy. Such proxies must be given in writing to the members exercising the vote.
 10. A quorum must be present for the Executive Committee to meet. Proxies may not be used for establishing a quorum; only physical presence is acceptable.
 11. Any member of the Executive Committee may be recalled from office by a vote of two-thirds (2/3) of the entire non-vacant Executive Committee. Any member of the Executive Committee shall have their seat declared vacant after a period of 30 days of inactivity by the highest remaining officer of the Party, unless prior leave of absence has been submitted to and recognized by the highest remaining officer of the Party.

12. The assignment of specific duties to the At-Large Representatives shall be made by the Executive Committee.
 13. Minutes shall be taken at all Executive Committee meetings with a summary of major actions taken published in the Newsletter.
 14. The Committee may vote on the recommendations of the Membership Committee to revoke the membership of members. Approval requires a three-fourths (3/4) vote of the entire Executive Committee.
 15. The Executive Committee may act between meetings, provided that all business requiring a vote be conducted as follows:
 1. Unless otherwise required by the By-laws or Constitution, a favorable vote by not less than fifty-one percent (51%) of all filled positions on the Executive Committee shall be required for any resolution to pass;
 2. Votes shall be cast in a written form that permits verification of authenticity, and shall be presented to the Secretary, who shall keep them on file with the minutes, and who shall read an account of them at the next Executive Committee meeting;
 3. The following methods of authentication shall be acceptable for votes cast via electronic mail:
 1. Digital signature;
 2. A private e-mail group to which only current Executive Committee members have access;
 4. Any member of the Executive Committee may present a motion to the entire group for consideration, but the Chair will moderate the discussion and call for the vote.
3. The Membership Committee
 1. It shall be chaired by the Vice-Chair.
 2. Its membership shall be set by the Executive Committee and is open to any Party member.
 3. It is responsible for maintenance of Party membership lists.
 4. It shall conduct periodic membership drives not less than annually.
 5. It shall meet and recommend to the Executive Committee that the membership of any individual be revoked if that member makes statements or takes actions which are contrary to the Statement of Principles. Such recommendation shall require a three-quarters (3/4) vote of the entire Membership Committee.
 4. Finance Committee
 1. The Finance Committee shall be chaired by the Treasurer. Its members shall be appointed by the Executive Committee. Membership is open to any Party member.
 2. The Finance Committee shall develop the annual budget and submit it to the Executive Committee for approval.
 3. The Finance Committee is responsible for dues collection, fund raising and accounting for Party Funds.
 5. Platform and Issues Committee
 1. The Chair of the Platform and Issues Committee shall be appointed by the Executive Committee from among the members of the Executive Committee. The members of the Platform and Issues Committee shall be appointed by the Executive Committee. Membership is open to any Party member.
 2. This committee shall draft policy statements for the Executive Committee and develop position papers for the Party.
 3. This Committee shall prepare planks for the Party Platform, hold hearings on these planks and submit them to the Convention for approval.
 6. Constitution, By-Laws and Rules Committee
 1. The Secretary is the Chair of the Committee. The members of this Committee shall be appointed by the Executive Committee. Membership is open to any Party member.

2. This Committee shall draft Convention Rules for adoption by the Executive Committee.
 3. This Committee shall draft changes to the Constitution and By-laws. Such changes shall be submitted to the Executive Committee or Convention for approval as specified in the Constitution.
7. Speakers' Bureau
1. The Chair of the Speakers' Bureau shall be appointed by the Executive Committee. The membership is open to any Party member who is willing to speak before groups on Libertarian topics.
 2. The Speakers' Bureau shall actively seek engagements among schools, civic clubs, radio and television and any other organizations for Libertarian speakers. It shall also furnish from among its members speakers for these engagements.
- Section IV: Ad-Hoc Committees
 1. The Executive Committee may establish and appoint members to such ad-hoc committees as it deems necessary for the proper functioning of the Party.
 - Section V: Election of Officers, Representatives and Delegates
 1. Officers and Representatives shall be elected at State Conventions as specified by the Constitution. The nomination and election of these persons will proceed serially in the following order: Chair, Vice-Chair, Secretary, Treasurer, both At-Large Representative positions 1 & 2. Each District Representative shall be nominated and elected by the members of the Party within that District, and recognized by the Executive Committee in order of District. Individuals may be nominated for more than one position but may not be elected to more than one position.
 2. Delegates and Alternates to the National Party convention shall be elected at the State Convention following the election of officers and representatives. Nominations will be made to a list. Voting will be made from the list. The candidates will be ranked by total votes. The highest vote-getters will be selected as delegates and alternates. Officers and representatives may serve as delegates and alternates.
 3. Each State Convention delegate may cast one vote for each officer and representative. Each delegate may cast votes for six National Party convention delegates. Multiple votes may not be cast for any candidate.
 4. Balloting will be by secret ballot.
 5. Vacancies in the Executive Committee shall be filled as specified by the Constitution.
 - Section VI: Newsletter
 1. The title of the Newsletter shall be determined by the Media Director, with approval from the Executive Committee in the form of a majority vote from the Executive Committee.
 2. The newsletter will be edited and published under the authority of the Media Director. The position of editor notwithstanding, the Executive Committee shall have final review and approval of all materials published in the newsletter.
 3. The newsletter must be released semi-annually but may be released more often.
 4. Broad Party membership participation shall be encouraged in the writing and publishing of the Newsletter.
 5. The method of dissemination of the Newsletter will be determined by a majority vote of the Executive Committee.
 - Section VII: Amendments to the By-Laws
 1. These By-Laws may be altered, amended or repealed by a majority vote of the delegates of any Party convention, or by a three-fourths (3/4) vote of the Executive Committee.
 - SECTION VIII: Omissions
 1. All situations not covered in these By-laws or in the Constitution shall be governed by Robert's Rules of Order Newly Revised, 10th Edition (2000).